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TRIBAL COUNCIL CHAIR

**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**

*Big Pine Paiute Indian Reservation*

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Via email to: [sgmps@water.ca.gov](mailto:sgmps@water.ca.gov)

California Department of Water Resources  
Sustainable Groundwater Management Program

Dear California Department of Water Resources:

Subject: Comments on Engagement with Tribal Governments Guidance Document

The Big Pine Paiute Tribe of the Owens Valley (Tribe) submits the following comments on the "Engagement with Tribal Governments" draft document prepared by the California Department of Water Resources (DWR).

**OVERALL COMMENT**

The draft document describes in depth procedures for initiating communication with a tribe, but fails to provide much guidance on what happens when a tribe indicates its interest in being engaged with the process. Our Tribe has requested consultation with the county in our area multiple times but has had minimal interaction as the county has gone through the process of Groundwater Sustainability Agency (GSA) formation. The Tribe is very interested in the development of a Groundwater Sustainability Plan (GSP) for the groundwater basin and would like to see DWR provide guidance on agency engagement with tribes throughout the Sustainable Groundwater Management Act implementation process. The Tribe recommends that a best management practices document be developed based on positive engagement experiences with tribes to ensure that engagement is appropriate throughout implementation.

The Tribe agrees with this statement, which is made in the last paragraph of Attachment 1: "A GSA cannot require a tribe whose reservation is in one of the Bulletin 118 groundwater basins to do anything at all." The Tribe recommends the Guidance Document elaborate on this statement in the text. The Guidance Document indicates what the agency should do, but does not mention things the agency should not do. The Guidance Document should strongly discourage the local agency from holding a meeting with a tribe for the purpose of "telling" the tribe what the agency is planning for the tribe. Rather, the agency should meet with the tribe with an open mind to listen to the tribe's ideas. The Guidance Document should encourage the agency to work to accommodate the tribe's stated needs or address its concerns. To the best of its ability, the agency should leave the door open to tribal engagement at the many steps along the way. The tribe should not be presented with "take

it or leave it" choices, especially where the tribe will see it loses by choosing either one. The agency should not make up rules that put tribes at a disadvantage. The agency should strive for consensus among its stakeholders. While "everyone's" voice should carry equal weight, the tribal voice needs to be listened to with receptivity.

The Tribe suggests the document clarify that tribes shall be invited to actively participate in GSA business. The participation must be voluntary on the tribe's part, and not constrained by rules that might put tribal participants at a disadvantage relative to others. The GSA must not impose fees, restrictions, or obligations on a tribe. However, a tribe may voluntarily participate in GSP implementation, at which point the tribe may negotiate terms of participation.

SPECIFIC COMMENTS, by section and page.

**Tribal Recommended Communication Procedures**, p. 3, second paragraph: The last sentence should be the first sentence. If a tribe has already established procedures with a local agency, they should be used. The tribe agrees that attention should be given to the other steps in this paragraph.

In this sentence near the top of p. 4, "A local agency deciding to form a GSA can coordinate with Tribal staff," the word "can" means nothing if the local agency wants to leave out tribes. It should say that if a tribe requests a meeting and the tribe has reasonable concerns, then every effort should be made to schedule a meeting and meet with a tribe, preferably in tribal offices.

**Tribal Recommended Notice to Prepare GSP Engagement**, p. 4. A tribe may have useful input for the GSA to consider long before the GSA starts moving ahead preparing a Request for Proposals or initiating other steps which set the agency on a path with limited alternatives. Thus, the notice of intent stage might be too late: It may already preclude other approaches for developing a GSP. The tribe should be invited to discuss or submit a list of issues or concerns to address with regard to GSP preparation. The GSA should address, in person and in writing, all of the concerns and should make the effort to accommodate tribal concerns and if this cannot be done, explain why.

**GSP Preparation**, p. 4, the first sentence says, "a GSA is encouraged to conduct additional meetings with Tribes within the basin." This should say, the GSA "must conduct," at least for any tribe which has requested it. It's unclear if GSPs will be subject to a thorough California Environmental Quality Act (CEQA) review, but regardless, tribes need to be invited to participate.

Thank you for considering the Tribe's comments. Should you have questions or concerns regarding these comments, please contact Tribal Environmental Director Sally Manning, [s.manning@bigpinepaiute.org](mailto:s.manning@bigpinepaiute.org) or (760) 938-2003 ext. 233.

Sincerely,



Genevieve Jones  
Tribal Chairwoman